

1 Corey M. Eschweiler, Esq. (Bar No. 6635)
2 GLEN LERNER INJURY ATTORNEYS
3 4795 South Durango Drive
4 Las Vegas, Nevada 89147
5 Telephone: (702) 877-1500
6 Facsimile: (702) 933-7043
7 ceschweiler@glenlerner.com

8 Colin P. King (UT Bar No. 1815)
9 (*Pro Hac Vice*)
10 cking@dkowlaw.com
11 DEWSNUP KING OLSEN WOREL
12 HAVAS MORTENSEN
13 36 South State Street, Suite 2400
14 Salt Lake City, UT 84111
15 Telephone: (801) 533-0400
16 *Attorneys for Plaintiff*

17
18 **UNITED STATES DISTRICT COURT**
19
20 **DISTRICT OF NEVADA**

21 RYAN Q. CLARIDGE,
22
23 Plaintiff,

24 v.

25 I-FLOW CORPORATION; a Delaware
26 corporation; I-FLOW, LLC, a Delaware limited
27 liability company; DJO LLC (f.k.a. DJ
28 ORTHOPEDICS, LLC), a Delaware limited
liability company; DJO, INCORPORATED, aka
DJO, INC., a Delaware corporation; STRYKER
CORPORATION, a Michigan corporation; and
STRYKER SALES CORPORATION, a
Michigan corporation.

Defendants.

CASE NO.: 2:18-CV-01654-GMN-BNW

**JOINT STIPULATION TO EXTEND
EXPERT DISCOVERY DEADLINES
PENDING RESOLUTION ON MOTION
TO AMEND THE SCHEDULING ORDER
[DKT. NO. 60]**

1 Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rules 26-4 and IA 6-1, Plaintiff
2 Ryan Claridge (“Plaintiff”) and Defendants I-Flow, LLC, Stryker Corporation, and
3 Stryker Sales Corporation (collectively, “Defendants”), hereby stipulate and jointly
4 move the Court for an Order as follows:

5 WHEREAS the Court’s March 5, 2019, Scheduling Order [Dkt. No. 39]
6 (“Scheduling Order”) set the following FRCP 26(a)(2) Disclosure of Expert
7 deadlines:

- 8 1. **August 12, 2019** for Plaintiff’s disclosure of expert witnesses;
- 9 2. **September 26, 2019** for Defendants’ disclosures of expert witnesses; and
- 10 3. **October 26, 2019** for Plaintiff’s disclosure of expert witnesses expected to
11 offer rebuttal expert opinion testimony.

12 WHEREAS pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure,
13 “a schedule may be modified only for good cause and with the judge’s consent”;

14 WHEREAS the Parties have endeavored in good faith to comply with the
15 deadlines set by this Court’s Scheduling Order by diligently pursuing discovery since
16 this action’s inception. Particularly, by exchanging case-specific and standard
17 production written discovery, and taking seven depositions in four different states.
18 This Stipulation is not filed in lieu of Defendants Motion to Amend the Scheduling
19 Order [Dkt. No. 60], and Defendants continue to maintain that additional time is
20 necessary to complete discovery. Defendants hereby adopt Sections I-III of its
21 Motion to Amend the Scheduling Order and supporting Declarations, which provides
22 an introduction and relevant background, establishes good cause for seeking this
23 extension, and outlines a comprehensive summary of discovery that has been
24 completed against discovery that remains outstanding. By filing this Stipulation,
25 Plaintiff does not consent to Defendants’ Motion to Amend the Scheduling order and
26 reserves any objections or arguments;

27 WHEREAS good cause exists to extend the FRCP 26(a)(2) Disclosure of
28 Expert deadlines because:

1 1. The following key depositions have not yet taken place because of unavoidable
2 scheduling conflicts and limited witness availability:

- 3 a. Deposition of the PMK of Patriots, scheduled for August 12, 2019;
- 4 b. Deposition of Plaintiff Ryan Claridge, scheduled for August 15, 2019;
- 5 c. Deposition of Dr. Randall Yee, scheduled for August 21, 2019;
- 6 d. Continued Deposition of Jerry Robinson, scheduled for August 29,
7 2019;
- 8 e. Deposition of Dr. Ronald Koe, scheduled for September 20, 2019;
- 9 f. Deposition of Dr. James Gardiner, not currently set as the Parties are
10 searching for a date available to all the Parties;
- 11 g. Deposition of Dr. Michael Metcalf, not currently set as the Parties are
12 searching for a date available to all the Parties;
- 13 h. Depositions of additional persons affiliated with organizations in the
14 National Football League, not currently set as the Defendants are
15 searching for a date available to all the Parties;
- 16 i. Defendants anticipate taking as many as two dozen additional fact
17 witness depositions, including the depositions of fact witnesses and
18 other medical professionals that have yet to be disclosed or discovered;
19 and
- 20 j. Deposition of Defendants.

21 2. The testimony of the above-listed deponents is necessary before the Parties can
22 designate experts.

23 WHEREAS Defendants have already filed a motion to amend the Scheduling
24 Order to extend all deadlines, including the above mentioned FRCP 26(a)(2)
25 Disclosure of Expert deadlines (the “Motion to Extend All Deadlines”);

26 WHEREAS the Parties do not seek to affect the outcome of the Motion to
27 Extend All Deadlines, and instead file the present stipulation to provide immediate
28 but temporary relief to the Parties who, despite having endeavored in good faith to

1 comply with the Scheduling Order, will be unable to comply with the current FRCP
2 26(a)(2) Disclosure of Expert deadlines;

3 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**
4 **THAT:**

5 With the Court's consent, and while the Court decides the pending Motion to
6 Extend All Deadlines to provide a more permanent schedule, the FRCP 26(a)(2)
7 Disclosure of Expert deadlines in this action shall be immediately and temporarily
8 extended by a period of 30 days, as follows:

- 9 1. **September 13, 2019** for Plaintiff's disclosure of expert witnesses;
- 10 2. **October 28, 2019** for Defendants' disclosures of expert witnesses; and
- 11 3. **November 27, 2019** for Plaintiff's disclosure of expert witnesses expected to
12 offer rebuttal expert opinion testimony.

13 These dates are temporary and subject to the final dates outlined in the
14 upcoming Order on the Motion to Extend All Deadlines.

15 **IT IS SO STIPULATED AND AGREED**

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17 [signatures on the next page]
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1 GLEN LERNER INJURY ATTORNEYS

DEWSNUP KING OLSEN WOREL
HAVAS MORTENSEN

2
3 By: /s/ Corey M. Eschweiler

4 Corey M. Eschweiler, Esq.
5 Nevada Bar No. 6635
6 4795 South Durango Drive
7 Las Vegas, Nevada 89147
8 *Co-Counsel for Plaintiff*

By: /s/ Colin P. King

Colin P. King, Esq.
Pro Hac Vice
36 South State Street, Suite 2400
Salt Lake City, UT 84111
Co-Counsel for Plaintiff

9 SNELL & WILMER, LLP

MINTZ LEVIN COHN GERRIS FLOVSKY
AND POPEO, P.C.

10 By: /s/ Dawn L. Davis

11 Vaughn A. Crawford, Esq.
12 Nevada Bar No. 7665
13 Dawn L. Davis, Esq.
14 Nevada Bar No. 13329
15 3883 Howard Hughes Pkwy, #1100
16 Las Vegas, NV 89169-5958
17 *Co-Counsel for Defendants Stryker*
18 *Corp.*
19 *and Stryker Sales Corp*

By: /s/ Christopher P. Norton

Christopher P. Norton, Esq.
Pro Hac Vice
2029 Century Park East, Suite 3100
Los Angeles, CA 90067
Co-Counsel for Defendants Stryker Corp.
and Stryker Sales Corp

20 BROWN, BONN & FRIEDMAN, LLP

SEGAL MCCAMBRIDGE SINGER &
MAHONEY, LTD.

21 By: /s/ Jill P. Northway

22 Kevin A. Brown, Esq.
23 Nevada Bar No. 7621
24 Jill P. Northway, Esq.
25 Nevada Bar No. 9470
26 5528 S. Fort Apache Rd.
27 Las Vegas, NV 89135
28 *Attorneys for Defendant I-Flow, LLC*

By: /s/ Lee J. Hurwitz

Lee J. Hurwitz, Esq.
Pro Hac Vice
Mark Crane, Esq.
Pro Hac Vice
233 S. Wacker Dr., Suite 5500
Chicago, Illinois 60606
Attorneys for Defendant I-Flow, LLC

ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: August 9, 2019